

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 460 of 1996

For Approval and Signature: sd/-

Hon'ble MR.JUSTICE B.J.SHETHNA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

ARUNBHAI MANOHARBHAI

Versus

RAMANBHI KABHAI HIMSELF & HEIROF DECD.KABHAI RANCHHODBHAI

Appearance:

1. Appeal from Order No. 460 of 1996
MR ASHOK L SHAH for Petitioner No. 1
..... for Petitioners No. 2-5
MR AJ PATEL for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 06/11/2001

ORAL JUDGEMENT

1. The appellants - original plaintiffs have challenged in this Appeal the impugned order passed by the learned trial Judge on 29.8.1996 dismissing the Application Ex.5 and vacating the ex-parte ad.interim injunction granted earlier on 15.2.1995 in favour of the appellants - plaintiffs. This Appeal was admitted way

back in 1996 and since then it is pending before this Court along with Civil Application No.8326 of 1996 with the ad.interim relief granted in favour of the appellants - plaintiffs whereby the impugned order passed by the learned Judge dismissing the Application Ex.5 was stayed. The said interim relief is continuing till today.

2. If the Appeal had come up for final hearing immediately or within some time after its admission then certainly this Court would have gone into the merits of the case and tested the legality and validity of the impugned order passed by the learned Judge below Ex.5. However, the Suit is an old Suit of 1995 and now it must have become ripe for hearing. Therefore, without going into the merits of the case this Appeal can be disposed of with suitable direction to the trial Court to which the learned Counsel for the parties can hardly have any objection.

3. Accordingly, this Appeal is disposed of with direction to the learned Judge to decide the main Special Civil Suit No.19 of 1995 as early as possible and not later than 31.12.2001. The parties shall fully cooperate with the final disposal of the Suit before the trial Court and they shall not ask for any unnecessary adjournment. Till then the interim relief, if any, granted by this Court in Civil Application No.8326 of 1996 shall continue.

Civil Application No.8326 of 1996 is disposed of in terms of the order passed in main Appeal from order.

Date : November 06, 2001 (B.J.Shethna, J.)

sas